

REMARKS

Claims 25-27, 31-35, 40, 43-50, 55, 56 and 66-75 are currently pending. Claims 25-27, 31-35, 40, 49, 50, 55, 56, and 66-75 have been deemed to be allowable. By the present communication, Applicants have canceled claim 44 without prejudice, and amended claims 43 and 47 to define Applicants' invention with greater particularity. The amendments do not raise any issues of new matter and thus do not present new issues requiring further consideration or search. Applicants note that claim 47 was amended to correct a typographical error. Support for the amended claims may be found in the specification and claims as filed. Accordingly, upon entry of this communication, claims 25-27, 31-35, 40, 43, 45-50, 55, 56, and 66-75 will be under consideration.

Rejection under 35 U.S.C. §103

Applicants respectfully traverse the rejection of claims 43-46 under 35 U.S.C. §103(a) as allegedly being unpatentable over Meissner, et al. (hereinafter "Meissner"). Specifically, the Office alleges that Meissner discloses a nucleic acid sequence that is fully capable of hybridizing to a target nucleic acid comprising SEQ ID NO: 6. Without acquiescing to the reasoning offered by the Office, and in order to expedite prosecution of the instant application, Applicants have amended claim 43 to incorporate the limitations of claim 44, as suggested by the Examiner (Office Action, page 7). Applicants have consequently canceled claim 44, rendering the rejection moot as to that claim. Applicants respectfully submit that since Meissner fails to disclose each and every limitation of the claimed invention, Meissner fails to render the claimed invention obvious. Accordingly, withdrawal of the rejection is respectfully requested.

In re Application of:
Lee and McPherron
Application No.: 10/662,003
Filed: September 11, 2003
Page 8

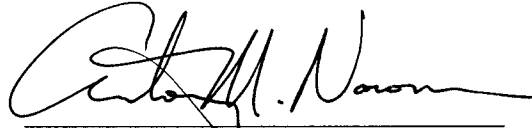
PATENT
Attorney Docket No.: JHU1410-1

CONCLUSION

In light of the Amendments and Remarks herein, Applicant submits that the claims are in condition for allowance and respectfully request a notice to this effect. Should the Examiner have any questions, he is invited to call the undersigned attorney.

No fee is deemed necessary with the filing of this paper. However if any fees are due, the Commissioner is hereby authorized to charge any fees, or make any credits, to Deposit Account No. 07-1896 referencing the above-identified attorney docket number.

Respectfully submitted,



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